



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Clark B. Freise, Assistant Commissioner

January 25, 2017

The Honorable Chris Christensen, Chair
House Resources, Recreation and Development Committee
Legislative Office Building, Room 303
Concord, New Hampshire 03301

RE: HB 507, An Act establishing a committee to study the responsibility of a person who through their pollution makes drinking water non-potable

Dear Chair Christensen and Members of the Committee:

Thank you for the opportunity to testify on HB 507. This bill would establish a committee to study the responsibility of a person who through their pollution makes drinking water non-potable. The New Hampshire Department of Environmental Services (NHDES) supports this bill.

Early last year, drinking water contamination with perfluorochemicals (PFCs) was detected in the town of Merrimack. NHDES immediately launched an investigation of this contamination, focusing on nearby public and private drinking water wells. This work quickly expanded and led to the discovery of widespread drinking water contamination located in several towns in southern New Hampshire. The source of this contamination has been linked to air emissions from one existing manufacturing plant and one former plant. This represents an uncommon scenario, wherein contaminants emitted to the air are deposited onto the ground in downwind areas, migrate through the soil, and contaminate groundwater and drinking water at concentrations that pose a health concern. (More commonly, groundwater contamination occurs as a result of the direct discharge of contaminants to the ground, rather than via an airborne pathway.) The owners of the responsible facilities have worked closely with NHDES to address the contamination by providing alternate water to the impacted homes, and will be working to complete full site investigations.

The New Hampshire legislature has provided NHDES with well-crafted statutory authorities with which to regulate the management of wastes and the discharge of pollutants to the air and waters of the state, in order to protect human health and the environment. In general, those statutes clearly delineate the responsibilities of the regulated parties, and provide NHDES with the authority it needs to ensure compliance, particularly with respect to protection of groundwater and drinking water. While NHDES believes it has authority to

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The Honorable Chris Christensen, Chair
House Resources, Recreation & Development Committee
January 25, 2017
Page 2

regulate and address all releases that impact drinking water, the recent scenario involving impacts to drinking water as a result of air emissions is not explicitly addressed in current law.

HB 507 would establish a legislative committee to study the responsibilities of parties who contaminate drinking water and cause it to become non-potable. NHDES believes that it is both prudent and timely to study New Hampshire's underlying air, water and waste management statutes to ensure that the State's authorities are explicit, clear and unambiguous. Accordingly, we support HB 507 and commit to assisting the committee in doing its work.

In summary, we support a thorough review of the relevant state authorities to ensure that NHDES can achieve one of its most important missions-- the protection of drinking water quality in New Hampshire. We encourage the passage of HB 507.

Thank you again for the opportunity to comment on HB 507. If you have questions or need additional information, please feel free to contact either Michael Wimsatt, Director of the Waste Management Division (Michael.Wimsatt@des.nh.gov, 271-2905), or me.

Sincerely,



Clark B. Freise
Assistant Commissioner

cc: Sponsors of HB 507: Rep. Byron, Rep. Azarian, Rep. Hynes, Rep. Backus, Sen. Soucy